

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

PAMELA HILLEY FENNELL

PLAINTIFF

V.

CIVIL ACTION NO. 3:16-CV-261-DAS

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER AWARDING ATTORNEY FEES

Before the court is the claimant's motion for payment of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. The court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA as the prevailing party, asserting the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award of \$ 6,029.10 in attorney's fees plus \$50.29 travel expense under EAJA. The plaintiff also seeks court costs of \$ 400.00 for filing fees

The defendant agrees that the claimed hourly rate of \$ 189.00 per hour is reasonable but challenges three-tenths of one hour of the total of 31.9 hours claimed by counsel. Plaintiff's counsel has claimed twelve minutes for a motion for extension of time and six minutes for the review of the order granting the extension of time. This is not the first time this defendant has argued that it should never be required to pay for a request for extension of time. The argument has not improved with repetition. While multiple requests for extension of time for a single deadline may be questionable, competent attorneys have to juggle competing deadlines and not infrequently must get additional time in order to allow them to capably represent their clients.

Time spent in obtaining such extensions is time reasonably spent and reasonably billed. This objection to the claimed fees is rejected.

IT IS ORDERED that the claimant's motion for payment of attorney's fees under the EAJA is granted and the defendant is hereby directed to pay 6,029.10 for attorney's fees, plus \$ 50.29 for expenses. The plaintiff is also awarded \$400.00 from the Judgment Fund. While the funds must be made payable to the claimant, the payment shall be sent to the attorney's address.

SO ORDERED this the 6th day of December , 2017.

s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE